

**THE GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
Department of Transportation



**RIGHTS AND RESPONSIBILITIES OF INDIVIDUALS**  
**Filing Complaints of Discrimination**

In accordance with the District of Columbia Human Rights Act of 1977, as amended; Title 4 of the District of Columbia Municipal Regulations, at Chapter 1; and 23 CFR 230, Subpart C, you are herein advised of your rights and responsibilities as you process your complaint of discrimination through (Informal) EEO Counseling. Upon completion of the informal complaint process, if you choose to file a formal complaint of discrimination, at a minimum, your rights and responsibilities are the following:

- 1) In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Code Section 2-1401.01 *et seq.*, (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex (gender or sexual harassment), age, marital status, sexual orientation, personal appearance, familial status, family responsibilities, matriculation, political affiliation, disability (whether physical and or mental), source of income, place of residence or business. Sexual harassment is a form of sex discrimination which is also protected by the Act. In addition, harassment based on any protected category is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. If you believe that you have been discriminated against under any of the above-mentioned basis, you have a right to file a complaint of discrimination. \_\_\_\_\_.
- 2) You have the right to consult with an EEO Counselor within one-hundred-eighty (180) calendar days of the occurrence of alleged unlawful discriminatory practice; or within **one hundred-eighty (180) calendar days** of the discovery of the occurrence. \_\_\_\_\_.
- 3) You have the right to file your complaint of discrimination directly with a local court of competent jurisdiction within 1 year from the date of the occurrence. If you wish to go to the OHR, you must first go to your EEO counselor.
- 4) You have a right to directly file a complaint of sexual harassment with the D.C. Office of Human Rights. \_\_\_\_\_.

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- 5) You have the right to representation throughout the complaint process including the counseling stage. If you retain an attorney or representative, it is your duty/responsibility to immediately inform the EEO Counselor or the D.C. Office of Human Rights. Be advised that the EEO Counselor is not an advocate for either the complainant or the agency but acts strictly as a neutral party in the EEO Process. \_\_\_\_\_.
- 6) **You have the right to anonymity. If you waive your rights to anonymity, you must do so in writing.** \_\_\_\_\_.
- 7) The EEO Counselor shall, insofar as it is practicable, conduct the final interview with the complainant not later than **twenty-one (21) calendar days** after the date of which the matter was called to his/her attention by the complainant. \_\_\_\_\_.
- 8) Upon completion of the Informal Counseling, if your complaint is not resolved, you have a right to file a formal complaint of discrimination. You must file your formal complaint of discrimination within **15 calendar days** of receipt of the **Counselor's Notice of Right to File a Formal Complaint of Discrimination** with the D.C. Office of Human Rights. \_\_\_\_\_.
- 9) Complaints filed after the **fifteen (15) calendar days** period specified in paragraph eight (8) shall be deemed untimely and dismissed by the Director of the D.C. Office of Human Rights. \_\_\_\_\_.
- 10) In any event, and regardless of whether or not the EEO Counselor completes his/her review and action within the time limits, you shall be free to file a complaint with the D.C. Office of Human Rights at the expiration of the **twenty-one (21) calendar day** review period set forth in paragraph seven (7). \_\_\_\_\_.
- 11) If the EEO Counselor does not conduct the final interview, you may file a formal complaint with the D.C. Office of Human Rights within **sixty (60) calendar days** after the date on which the matter was called to the attention of the EEO Counselor. \_\_\_\_\_.
- 12) It is your responsibility to keep the EEO Counselor and/or the D.C. Office of Human Rights informed of your current mailing address and telephone number. \_\_\_\_\_.
- 13) At any stage in the proceeding, you shall be free from restraint, interference, coercion, discrimination, or reprisal. \_\_\_\_\_.

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- 14) If you are an employee of the District government, you shall have a reasonable amount of official time for preparation and presentation of your complaint. \_\_\_\_\_.
- 15) If you designate an employee of the District government as your representative, the representative shall be free from restraint, interference, coercion, discrimination, or reprisal, and shall have a reasonable amount of official time to prepare and present the matter. \_\_\_\_\_.
- 16) Only those claims/allegations that are raised at the counseling stage or claims like or related to those that were raised may be the subject of a formal complaint. \_\_\_\_\_.
- 17) Whenever a matter is submitted to the EEO Counselor with respect to a pending appointment, promotion, transfer, reduction-in-force, termination, disciplinary action, or other adverse action, the agency head shall hold the action in abeyance until the matter is resolved by the EEO Counselor, EEO Officer, or until you have exercised your opportunity to file a formal complaint with the D.C. Office of Human Rights. \_\_\_\_\_.
- 18) The requirements of paragraph 17 shall be suspended by the Director of the D.C. Office of Human Rights, pending a resolution of the matter, if it is shown that immediate and irrevocable harm to the agency will result or there will be a substantial interference with the efficient operation of the agency. \_\_\_\_\_.
- 19) Furthermore, the requirements of paragraph 17 may be waived by the agreement of the agency head and the Director, D.C. Office of Human Rights, if sufficient and appropriate opportunities will be available to provide relief to you if the assertion of discrimination is upheld, or where the agency head effects the action on a temporary basis and is subject to reversal if your assertion of discrimination is upheld. \_\_\_\_\_.

**I CONFIRM THAT I WAS COUNSELED REGARDING MY RIGHTS AND RESPONSIBILITIES BY THE EEO COUNSELOR, AND THAT BY INITIALING EACH SECTION OF THIS FORM I CONFIRM THAT I UNDERSTOOD THE CONTEXT OF EACH ISSUE PRESENTED TO ME.**

\_\_\_\_\_  
**Complainant's Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**EEO COUNSELOR**

\_\_\_\_\_  
**Date**